

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

**ASHEVILLE DIVISION**

<b>CARYN DEVINS STRICKLAND,</b>	)	
	)	
<i>Plaintiff,</i>	)	
	)	
<b>v.</b>	)	<b>Civil No. 1:20-cv-00066-WGY</b>
	)	
<b>UNITED STATES, <i>et al.</i>,</b>	)	
	)	
<i>Defendants.</i>	)	

**PLAINTIFF’S REPLY IN SUPPORT OF NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendants’ response to Plaintiff’s notice of supplemental authority distorts the record in this case. For example, Defendants baldly assert that Plaintiff “requested” to telework, but they selectively omit the critical context that the Defender *had denied her request to transfer to a different duty station away from her harasser*, even though he had a shared office space available, which he instead offered to a summer law school intern. ECF No. 401, Tr. 12/14/23, at 109–110; ECF No. 402, Tr. 12/18/23, at 25–27, 40. Similarly, Defendants repeat their assertion that Plaintiff “was ineligible for a promotion,” even though Defendants were forced to admit in response to Plaintiff’s requests for admission during discovery as follows: “Defendants admit that Plaintiff would have been eligible for a grade-level promotion to FD-15 on or about August 21, 2018, [her work anniversary date].”). Tr. Ex. 137, Plt’s Courtesy Copy Ex. 10 at 9–10 (ECF No. 248-4 at 10–11). It is a basic principle that Defendants are judicially estopped from contradicting their own admissions in discovery. *See* Fed. R. Civ. P. 36(b).

When the Court rules in this case, it should do so based on the facts actually in the record, not on counterfactual narratives that have been repeatedly refuted by contemporaneous evidence and Defendants’ own admissions.

This the 19th day of April, 2024.

Respectfully Submitted,

/s/ Cooper Strickland

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### **CERTIFICATE OF SERVICE**

I hereby certify that on the 19th day of April, 2024, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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